

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JOYCE G. MOSCOE, individually and in her
capacity as Grantor and Trustee of the Joyce G.
Moscoe Revocable Trust Agreement; DONALD S.
MOSCOE, in his capacity as Trustee of the Joyce
G. Moscoe Revocable Trust Agreement; THOMAS
MOSCOE, in his capacity as Trustee of the Joyce
G. Moscoe Revocable Trust Agreement; and
JOYCE G. MOSCOE REVOCABLE TRUST
AGREEMENT,

Defendants.

Adv. Pro. No. 10-05140 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard
L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act,

15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through their counsel, Baker & Hostetler LLP, and Joyce G. Moscoe Revocable Trust Agreement, Joyce G. Moscoe, individually and as Grantor and Trustee of the Joyce G. Moscoe Revocable Trust Agreement, and Thomas Moscoe, in his capacity as Trustee of the Joyce G. Moscoe Revocable Trust Agreement (“Defendants”),¹ by and through their counsel, Frejka PLLC (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against Defendants.

2. On April 17, 2014, Defendants served an answer on the Trustee.

3. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on October 16, 2015.

4. Pursuant to the terms of the Settlement Agreement and Release, and in accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and

¹ Defendant Donald S. Moscoe is deceased and is therefore not a party to this Stipulation.

the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: December 30, 2015

New York, New York

Of Counsel:

BAKER & HOSTETLER LLP

811 Main Street, Suite 1100
Houston, Texas 77002
Telephone: (713)751-1600
Facsimile: (713)751-1717
Dean D. Hunt
Email: dhunt@bakerlaw.com
Farrell A. Hochmuth
Email: fhochmuth@bakerlaw.com

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

FREJKA PLLC

By: /s/ Elise S. Frejka
733 Third Avenue, 15th Floor
New York, NY 10017
Telephone: (212) 641-0800
Elise S. Frejka
EFrejka@frejka.com
Jason S. Rappaport
[jrappaport@frejka.com](mailto:jrapaport@frejka.com)

*Attorneys for Joyce G. Moscoe Revocable Trust
Agreement, Joyce G. Moscoe, individually and in
her capacity as Grantor and Trustee of the Joyce G.
Moscoe Revocable Trust Agreement, and Thomas
Moscoe, in his capacity as Trustee of the Joyce G.
Moscoe Revocable Trust Agreement*

SO ORDERED

Dated: December 30, 2015

New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE